

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

WILLIAM LEE, et al.)	CASE NO.: 5-11-cv-00547-BO
)	
Plaintiffs)	
)	
v.)	
)	
EPHREN TAYLOR, et al)	<u>EQUITY TRUST COMPANY'S</u>
)	<u>MOTION TO DISMISS FOR</u>
Defendants)	<u>IMPROPER VENUE</u>

Pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and Local Civil Rule 7.1, Defendant Equity Trust Company hereby Moves to Dismiss the Plaintiffs' claims against Equity Trust for Improper Venue.

In support of this Motion, Equity Trust has contemporaneously submitted the Declaration of Jeffery Bartlett and a Memorandum of Law pursuant to Local Civil Rule 7.1(d).

Respectfully submitted this the 30th day of November, 2011.

POYNER SPRUILL LLP

By: /s/ David Dreifus
David Dreifus
N.C. State Bar No. 10160
P. O. Box 1801
Raleigh, NC 27602-1801
919-783-2817
Fax: 919-783-1075
Email: ddreifus@poyners.com

By: /s/ Kenneth A. Bravo
Kenneth A. Bravo (Ohio Bar # 0014274)
Isaac J. Eddington (Ohio Bar # 0072966)
ULMER & BERNE LLP
Skylight Office Tower
1660 W. 2nd Street, Suite 1100
Cleveland, Ohio 44113-1448
(216) 583-7000
FAX (216) 583-7001
kbravo@ulmer.com
ieddington@ulmer.com

*Attorneys for Defendant
Equity Trust Company*

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the forgoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

I further certify that I have mailed the forgoing by First-Class Mail, postage prepaid to the following person at the following address which is the last address known to me:

Don McCarthy
13907 Montfort Dr., Unit 524
Dallas, TX 75240

This the 30th day of November, 2011.

/s/ David Dreifus

David Dreifus